

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.875 OF 2005
IN
NOTICE OF MOTION NO.1665 OF 2003
IN
SUIT NO.3553 OF 1996

Mr.Ziaullah Eshraghi	Appellant
vs.	
General Manager, B.E.S.T.	Respondent

Mr.C.T.Kriplani for the appellant.

Mr.H.Tool i/b.M/s.Crawford Bayley & Co. for the respondent.

CORAM : R.M. LODHA &
D.G. KARNIK, JJ.

DATED : 17th November 2005

P.C.

Heard the learned counsel for the appellant.

2. The grant of notice of motion would have resulted in granting the money decree in favour of the plaintiff at interim stage. That could not have been done. In the circumstances, the motion Judge cannot be said to have erred in dismissing the notice of motion.

3. The appeal does not deserve to be admitted.

4. As the small controversy is involved in the Suit, we are of the view that may be heard at an early date.

Liberty to the plaintiff to apply to the learned trial
Judge taking up such Suits for fixing the date of the
hearing of the Suit.

(R.M.LODHA, J.)

(D. G. KARNIK, J.)